THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 5987 of 1998

DATE: 09-03-2007

Between :

P.Jaffar Hussain

… Petitioner

And

The District Collector,
Cuddapah District and 3 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 5987 of 1998

ORDER:

This writ petition is filed with the following prayer:

> *"Issue a direction preferably writ of Mandamus declaring the action of the respondents in trying to handover the spring channel land to the 3rd parties as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents not to assign the said land i.e. spring channel in Sy.No.971 of appaiahpally village, Kamalapuram Mandal, Kadapa District in the light of order of the 4th respondent dated 04-01-1994"*

Though Rule Nisi was ordered on 09-03-1998, none of the respondents have chosen to file any counter.

The interim order granted by this Court on 09-03-1998 is continued to be in operation through out.

As could be seen from the material on record, W.P.No.3689 of 1994 filed by the petitioner along with three others was earlier disposed of by order dated 07-03-1994 with a direction to the first respondent to consider the objections raised by the petitioners therein and to pass appropriate orders in accordance with law and till such time not to assign the lands in question. It is alleged by the petitioners that in spite of the said order, the objections raised by the petitioner have not yet been considered.

In the absence of any counter affidavit, the uncontradicted allegations made by the petitioner must be taken to have been

admitted and accordingly the writ petition is disposed of with a direction to the respondents not to make any assignments in respect of the land in question without taking steps in terms of the order in W.P.No.3689 of 1994. No costs.

_____

G. ROHINI, J.

Dt. 09-03-2007
KLP